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eFiled Application Information

EFS ID	1276693
Application Number	10849836
Confirmation Number	8390
Title	Chemical supply system
First Named Inventor	Takahisa Nitta
Customer Number or Correspondence Address	30678
Filed By	Brian Jerome Hairston/Deborah Beach
Attorney Docket Number	21776-00044-US1
Filing Date	21-MAY-2004
Receipt Date	26-OCT-2006
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
ResponseAF.pdf	2	Amendment After Final	75744 bytes	◆ PASS
TerminalDisclaimer.pdf	1	Terminal Disclaimer Filed	47421 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-875)	8129 bytes	◆ PASS

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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Docket No.: 21776-00044-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takahisa Nitta et al.

Application No.: 10/849,836

Confirmation No.: 8390

Filed: May 21, 2004

Art Unit: 1746

For: CHEMICAL SUPPLY SYSTEM

Examiner: S.T. Chaundhry

RESPONSE TO FINAL ACTION UNDER 37 C.F.R. 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated July 26, 2006, finally rejecting claim 63, please consider the following:

Remarks/Arguments begin on page 2 of this paper.

A **terminal disclaimer** is attached following page 2 of this paper.

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REMARKS

Claim 63 is pending.

Claim Rejection - Double Patenting

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,764,212.

Applicant submits herewith a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,764,212. Withdrawal of the double patenting rejection is therefore in order.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21776-00044-US from which the undersigned is authorized to draw.

Dated: October 26, 2006

Respectfully submitted,

By /Brian J. Hairston/
Brian J. Hairston
Registration No.: 46,750
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Attorney for Applicant

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PTO/SB/26 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

21776-00044-US1

In re Application of: Takahisa Nitta et al.

Application No.: 10/849,836-Conf. #8390

Filed: May 21, 2004

For: CHEMICAL SUPPLY SYSTEM

The owner, Sipec Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,764,212 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is issued;
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 46,750

/Brian J. Hairston/
Signature

October 26, 2006
Date

Brian J. Hairston
Typed or printed name

(202) 331-7111
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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PTO/SB/26 (09-06)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

21776-00044-US

In re Application of: Takahisa Nitta et al.

Application No.: 10/849,836-Conf. #8390

Filed: May 21, 2004

For: CHEMICAL SUPPLY SYSTEM

The owner*, Sipec Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,764,212

as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer." In the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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/Brian J. Hairston/
Signature

October 26, 2006
Date

Brian J. Hairston
Typed or printed name

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